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10/619,032	07/14/2003	Glenn Morrow	P1027/15509RRUS	6391
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Hemingway & Hansen, LLP			EXAMINER	
1717 Main Street			ZAIDI, SYED	
Comerica Bank Tower- Suite 2500				
Dallas, TX 75201			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/619,032

Applicant(s)

MORROW, GLENN

Examiner

Syed Zaidi

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed September 24th 2007 have been fully considered but they are moot, with respect to the rejection of Claim 1-20. In view of new grounds of rejection presented in this office action as such may response to applicant's argument is moot.

Claim 1, 8 and 15 have been amended.

Claim Objections

Claims 13 is objected to because of the missing period. An appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the Claim at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the Claim under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various Claim was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Muller et al.** (US Patent # 6,480,489 B1) in view of **McCann et al.** (US Patent # 7,035,239 B2).

Consider claim 1, Muller et al., clearly show and disclose a packet-based communication routing device, comprising: one or more inputs to a router that receive information packets on a network and one or more outputs that transmit information packets onto the network (column 8 lines 1-3 and figure # 1B element 130) a first network processor on the router coupled to said inputs and said outputs (column 8 lines 35-40 and figure # 1A element 120) said first network processor processing (column 8 lines 41-43 and figure # 1A element 215) parsing address header information in one of the information packets including examining one or more flag values in each the information packet and transmitting the information (column 9 lines 47-55 and figure # 1A) packet to one of said outputs if at least one of the flag values do not match a predetermined value indicating a requirement for additional processing of control function data for that routing device (column 14 lines 15-25 and figure # 2 element 200) a second signaling processor on the router coupled to said first

network processor, wherein said first network processor transmits an information packet to the second signaling processor if the one or more flag values match a predetermined value indicating a requirement for additional processing of control function data for that routing device (column 12 lines 43-50 and figure # 1B element 112) and wherein the second signaling processor processes control function data in the information packet before transmitting the information packet to one of said outputs. However **Muller et al.**, fail to disclose signaling processor processes control function data in the information packet before transmitting the information packet to one of said outputs.

In the same field of endeavor, **McCann et al.**, discloses signaling processor processes control function data in the information packet before transmitting the information packet to one of said outputs (column 5 lines 38-42 and figure # 10a).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the signaling processor processes control function data in the information packet before transmitting the information packet to one of said

outputs as taught by **McCann et al.** with the method of **Muller et al.**
in order to detect the flow control which further mediates the
O/System communication between application programs.

Consider claim 2, and as applied to claim 1, Muller et al., as
modified by **McCann et al.**, show and disclose the packet-based
communication routing device wherein the flag value contains a data
element identifying a filtered router alert option (column 8 lines 20-
26).

Consider claim 3, and as applied to claim 1, Muller et al., as
modified by **McCann et al.**, show and disclose the packet-based
communication routing device wherein the packet-based
communication routing device wherein the flag value identifies the
type of data from the information packet to be processed by the
second processor (column 23 lines 1-3).

Consider claim 4, and as applied to claim 1, Muller et al., as
modified by **McCann et al.**, show and disclose the packet-based

communication routing device wherein the flag value identifies a condition on the routing device that indicates the information packet should be forwarded to the second processor (column 23 lines 18-23).

Consider claim 5, and as applied to claim 1, Muller et al., as modified by McCann et al., show and disclose the packet-based communication routing device wherein the flag value identifies the routing device as an edge router (column 52 lines 30-41).

Consider claim 6, and as applied to claim 1, Muller et al., as modified by McCann et al., show and disclose the packet-based communication routing device wherein the flag value identifies the routing device as a gateway. However Muller et al., fail to disclose step of processing the information packet on a gateway.

In the same field of endeavor, **McCann et al.,** discloses step of processing the information packet on a gateway (column 8 lines 35-40 and figure # 1A element 120).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the step of processing the information packet on a gateway as taught by **McCann et al.** with the method of **Muller et al.**, in order to detect the flow control which further mediates the O/System communication between application programs.

Consider claim 7, and as applied to **claim 1, Muller et al.**, as modified by **McCann et al.**, show and disclose the packet-based communication routing device wherein the flag value identifies the routing device as an interface (column 56 lines 15-25).

Claims 8-11, and 13-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Blgaied et al.**, (US Publication # 2003/0156582 A1) in view of **Muller et al.** (US Patent # 6,480,489).

Consider claim 8, Blgaied et al., clearly show and disclose a method for routing an information packet on a packet-based communication system comprising the steps of: receiving an

information packet on an input of a router, (paragraph 0046 lines 1-6 and figure # 1B and element # 144) said router having a first processor performing fast-path processing coupled to a second processor performing slow-path processing, (a first processor inherit in the routing node 144 and paragraph 0046 lines 1-6 and figure #1B and figure # 144) checking a flag value in the information packet at a the first processor to determine if the information packet requires slow-path processing on a the second processor (paragraph 0042 lines 1-6 and figure # 4 and element # 144) forwarding the information packet to an output on the router for transmission onto the network if the flag value does not match a predetermined value indicating requiring slow-path processing; forwarding the information packet to a the second processor for slow-path processing of control function data in response to a match of the flag value to said predetermined value (paragraph 0047 lines 1-6 and figure # 6 and element # 650) and forwarding the information packet from the second processor to said output for transmission onto the network after said slow-path processing is completed (paragraph 0047 lines 1-6 and figure # 6 and element # 650). However **Belgaied et al.**, fail to

disclose having a first processor performing fast-path processing coupled to a second processor performing slow-path processing.

In the same field of endeavor, **Muller et al.**, discloses having a first processor performing fast-path processing coupled to a second processor performing slow-path processing (column 8 lines 35-40 and figure # 1A element 120).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the having a first processor performing fast-path processing coupled to a second processor performing slow-path processing as taught by **Belgaied et al.**, with the method of **Muller et al.** in order to detect the flow control which further mediates the O/System communication between application programs.

Consider claim 9, and as applied to **claim 8**, **Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein the flag value contains a data element identifying a filtered

router alert option (paragraph 0045 lines 17-20 and figure # 4 and element # 144).

Consider claim 10, and as applied to **claim 8, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein the method for routing an information packet on a packet-based communication system wherein the flag value indicates the portions of the information packet that require processing at the second processor. However **Belgaied et al.**, fail to disclose flag value indicates the portions of the information packet that require processing at the second processor.

In the same field of endeavor, **Muller et al.**, discloses flag value indicates the portions of the information packet that require processing at the second processor (column 8 lines 35-40 and figure # 1A element 120).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the flag value indicates the portions of the information packet that require

processing at the second processor as taught by **Muller et al.** with the method of **Belgaied et al.**, in order to detect the flow control which further mediates the O/System communication between application programs.

Consider claim 11, and as applied to **claim 8, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein further comprising the step of processing the information packet on an edge router (paragraph 0045 lines 17-20 and figure # 4 and element # 144).

Consider Claim 13, and as applied to **Claim 8, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein further comprising the step of: processing the information packet on an interface (Paragraphs 0032 lines 1-17 and figure # 1).

Consider Claim 14, and as applied to **Claim 8, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein further comprising the step of: processing the information for use by an application (Paragraphs 0038 lines1-12 and figure # 1).

Consider claim 15, Blgaied et al., clearly show and disclose a method for routing an information packet on a packet-based communication system comprising the steps of: receiving an information packet on an input of a first router (paragraph 0042 lines1-6 and figure # 4 and element # 144) checking a flag value in the information packet at a first processor in the router to determine if the information packet requires higher-level processing on a second processor (a second processor inherit in the routing node 144 and paragraph 0046 lines1-6 and figure #1B and figure # 148) forwarding the information packet to an output on the first router for transmission onto the network if the flag value does not match a predetermined value indicating a requirement for higher-level processing (a first

processor inherit in the routing node 144 and paragraph 0046 lines 1-6 and figure #1B and figure # 144) forwarding the information packet to a second processor in the router for higher-level processing in response to a match of the flag value to said predetermined value indicating a requirement for higher-level processing (a second processor inherit in the routing node 144 and paragraph 0046 lines 1-6 and figure #1B and figure # 148) forwarding the information packet from the second processor to said output for transmission onto the network after higher-level processing is completed; and retrieving specific control function data from the information packet during the higher-level_processing. However **Belgaied et al.**, fail to disclose retrieving specific control function data from the information packet during the higher-level_processing.

In the same field of endeavor, **Muller et al.**, discloses retrieving specific control function data from the information packet during the higher-level processing (column 4 lines 66-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the retrieving specific control function data from the information packet

during the higher-level processing as taught by **Muller et al.** with the method of **Belgaied et al.**, in order to detect the flow control which further mediates the O/System communication between application programs.

Consider Claim 16, and as applied to **claim 15, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein a filtered router alert includes a type data field and a flag value data field (Paragraphs 0040 lines1-12 and figure # 1, the routing node 144 looks at a data packet 130 which contain the header 132 with provided label (flag) that matches the option field element 406 in figure # 4).

Consider Claim 17, and as applied to **claim 15, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein comprising the step of: forwarding the retrieved data for use on an interface (Paragraph 0038 lines1-12 and figure # 1).

Consider Claim 18, and as applied to **claim 15, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein further comprising the step of: forwarding the retrieved data for use in an application. However **Belgaied et al.**, fail to disclose retrieving specific control function data from the information packet during the higher-level_processing.

In the same field of endeavor, **Muller et al.**, discloses retrieving specific control function data from the information packet during the higher-level_processing (column 4 lines 66-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the retrieving specific control function data from the information packet during the higher-level processing as taught by **Muller et al.** with the method of **Belgaied et al.**, in order to detect the flow control which further mediates the O/System communication between application programs.

Consider Claim 19, and as applied to **claim 15, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein further comprising the step of: forwarding the retrieved data for use on a gateway. However **Belgaied et al.**, fail to disclose forwarding the retrieved data for use on a gateway.

In the same field of endeavor, **Muller et al.**, discloses forwarding the retrieved data for use on a gateway (column 105 lines 25-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the forwarding the retrieved data for use on a gateway as taught by **Muller et al.** with the method of **Belgaied et al.**, in order to detect the flow control which further mediates the O/System communication between application programs.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Blgaied et al.**, (US Publication #

2003/0156582 A1) in view of **Muller et al.** (US Patent # 6,480,489) and further in view of **McCann et al.** (US Patent # 7,035,239 B2).

Consider claim 12, and as applied to **claim 8**, **Belgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein further comprising the step of processing the information packet on a gateway. However **Belgaied et al.**, and as modified by **Muller et al.**, fail to disclose step of processing the information packet on a gateway.

In the same field of endeavor, **McCann et al.**, discloses step of processing the information packet on a gateway (column 8 lines 35-40 and figure # 1A element 120).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the step of processing the information packet on a gateway as taught by **McCann et al.** with the method of **Belgaied et al.**, and as modified by **Muller et al.**, in order to detect the flow control which further mediates the O/System communication between application programs.

Consider Claim 20, and as applied to **claim 15, Blgaied et al.**, as modified by **Muller et al.**, show and disclose the method for routing an information packet on a packet-based communication system wherein further comprising the step of forwarding the retrieved data for use on a gateway. However **Belgaied et al.**, and as modified by **Muller et al.**, fail to disclose step of processing the information packet on a gateway.

In the same field of endeavor, **McCann et al.**, discloses step of processing the information packet on a gateway (column 8 lines 35-40 and figure # 1A element 120).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the step of processing the information packet on a gateway.as taught by **McCann et al.** with the method of **Belgaied et al.**, and as modified by **Muller et al.**, in order to detect the flow control which further mediates the O/System communication between application programs.

Conclusion

THIS ACTION IS MADE FINAL

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Syed Zaidi whose telephone number is (571) 270-1779. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Syed S. Zaidi

Syed Zaidi
S.Z/s.z
December 16, 2007.

Seema S. Rao
SEEMA S. RAO 12/26/07
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000